

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

JOYCE R. FORTNER : **DOCKET NO. 06-0219**

VS. : **JUDGE MINALDI**

JO ANNE B. BARNHART, : **MAGISTRATE JUDGE WILSON**
COMMISSIONER OF SOCIAL
SECURITY

REPORT AND RECOMMENDATION

Presently before the court is Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412 (EAJA) [doc. # 16]. This matter has been referred to the undersigned magistrate judge for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

By judgment dated January 19, 2007, this matter was reversed and remanded pursuant to the fourth sentence of 42 U.S.C. § 405(g). Thus, Plaintiff qualifies as a prevailing party. Plaintiff's attorney seeks fees of \$ 4,000.00 (32 hours at \$125/hour) plus court costs of \$250.00 for filing fees pursuant to 28 U.S.C. §§ 2412(a)(1) and (2). A joint stipulation as to the total fees was signed and filed February 5, 2007 [doc. # 18].

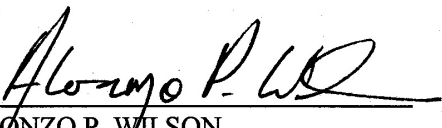
Considering the government's agreement as to the amount of the fees, and after review of the record, the undersigned concludes that the number of hours claimed is reasonable.

Accordingly, it is RECOMMENDED that Plaintiff's application for attorney's fees be granted and that attorney's fees be fixed at \$ 4,000 (32 hours at \$125/hour), and that in addition to the attorney's fees, the attorney be reimbursed \$250.00 for court filing fees.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on February 14, 2007.


ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE